

December 15, 2021

VIA ECF

Hon. Alvin K Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 14D
New York, New York 10007

The requests are approved. So ordered.

/s/ Alvin K. Hellerstein

December 15, 2021

Re: *Calvin Powell v. United States, et. al.*, 19 Civ. 11351 (AKH)

Dear Judge Hellerstein:

On behalf of a Defendant, Mr. Edward Maher, I respectfully request an extension to Mr. Maher's deadline to respond to the Second Amended Complaint ("SAC") ten (10) days, from Monday, December 20, 2021, to Thursday, December 30, 2021. Plaintiff's counsel consents to this request.

Undersigned counsel requires additional time to prepare Mr. Maher's motion to dismiss the SAC. Given Mr. Maher's soon-to-be-filed motion, I conferred with Plaintiff's counsel, and we jointly propose the following briefing schedule:

December 30, 2021: Defendant Maher's Motion to Dismiss
January 27, 2022: Plaintiff's Response
February 17, 2022: Defendant Maher's Reply

This schedule coincides with the briefing schedule established for Co-defendant Joseph Tamweber. Mr. Maher was first named as a defendant in this action on June 30, 2021, when Plaintiff filed the SAC. See ECF No. 81. The U.S. Attorney's Office subsequently requested and received two extensions of time for Mr. Maher to respond to the SAC, to allow the U.S. Department of Justice ("DOJ") to consider Mr. Maher's request for DOJ representation. See ECF Nos. 105, 108. On October 17, 2021, DOJ denied Mr. Maher's request. Mr. Maher then retained my law firm.

On November 12, 2021, this firm filed our first request to extend Mr. Maher's deadline to December 20, 2021 to respond to the SAC, and the Court granted our request on November 12, 2021.

See ECF Nos. 118, 119. This is our second request to extend Mr. Maher's deadline to respond to the SAC.

Thank you for considering this request to (1) extend by ten days Mr. Maher's deadline to respond to the SAC to December 30, 2021, and (2) adopt and order the above-listed briefing scheduling jointly proposed by Mr. Maher and Plaintiff.

Sincerely,



Lawrence Berger

Cc: All counsel of record (via ECF)